

DETAILED ACTION

Claims 1-5, 7, 9 and 11-15 are currently pending in the instant application, appear allowable over the prior art of record and have been renumbered as claims 1-12.

Election/Restrictions

Applicant's election without traverse of Group I in the reply filed on 11/17/2008 and the species election filed 3/12/2009 is acknowledged.

Claims 1-4 and 7 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 5, 9 and 11-15 directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 6/16/2008 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard A. Elder on 17 April 2009.

The application has been amended as follows:

1. In claim 4, amend the last listed compound by deleting "(S)-l-[(2S,3S)-2-(4-Chloro-phenyl)-3-hydroxycarbamoyl-pentanoyl]-pyrrolidine-2-carboxylic acid ((S)-2-hydroxy-propyl)-amide." And inserting in it's place -- and (S)-l-[(2S,3S)-2-(4-Chloro-phenyl)-3-hydroxycarbamoyl-pentanoyl]-pyrrolidine-2-carboxylic acid ((S)-2-hydroxy-propyl)-amide; --.
2. In claim 11, delete the number "54" above the structure of formula I.
3. In claim 15, delete the phrase "preventing, ameliorating, or"

Reasons for Allowance

The following is an examiner's statement of reasons for allowance. This invention relates to products of the formula I, processes of preparation and methods of use. The novel and nonobvious aspect of this invention involves the substituents on the formula I. The closest prior art of record fails to teach or suggest the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571) 272-0696. Mrs. Anderson can normally be reached Monday through Friday from 6:00am until 2:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Rebecca Anderson/
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26 April 2009